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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,448	09/29/2000	Shawn D. Cartwright	CRTW-0004	3485

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EXAMINER	
HEWITT II, CALVIN L	

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/676,448	CARTWRIGHT, SHAWN D.	
	Examiner	Art Unit	
	Calvin L Hewitt II	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 September 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *47,48,50,52,53,55-61,63-65,67 and 68* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *47, 48, 50, 52, 53, 55-61, 63-65, 67, and 68* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Status of Claims

1. Claims 47, 48, 50, 52, 53, 55-61, 63-65, 67, and 68 have been examined.

Response to Arguments

2. The Applicant is of the opinion the prior art of Martinez et al., Heckel and or Archibald et al. do not teach creating and integrating (an integration object or providing seamless integration) within a game a second set of rules for circumventing a first set of rules. The Examiner respectfully disagrees. As previously stated if the game allows for the Applicant's second set of rules to be implemented, it's not "cheating". Particularly, when these "second set of rules" are offered to a plurality of users and are created by the author or creator of the game (Specification, page 7, lines 21-27). Further, in the Martinez et al. system where user's are allowed to procure (e.g. pay for) spells, abilities and the like (i.e. second set of rules) (column 8, lines 18-30) that the user did not obtain by game playing "skill", to one of ordinary skill, qualifies as "cheating". Regarding "integration", Martinez et al. specifically recite obtaining, via payment, second set of rules for integration within a gaming environment (column 8, lines 14-23). Therefore, the Examiner maintains the rejection to Applicant's claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 47, 48, 50, 52, and 53 rejected under 35 U.S.C. 102(e) as being clearly anticipated by Martinez et al., U.S. Patent No. 6,119,229.

As per claims 47, 48, 50, 52, 53, 55-61, 63-65, 67, and 68, Martinez et al. teach a computer transaction system for obtaining digital objects (i.e. second set of rules) for use in a gaming environment over a communications network (column 3, lines 1-50; column 4, lines 32-64; column 8, lines 13-48; column 29, lines 29-60). In particular, Martinez et al. teach users obtaining (i.e. cheating) digital objects or specific characteristics (e.g. spells, abilities) for use in a game outside of "normal" (i.e. first set of rules) gameplay (figure 9; column/line 5/59-6/36; column 8, lines 13-48), where the process of obtaining the digital objects or second set of rules is equivalent to requesting the second set of rules during "a game session" (abstract; column 4, lines 38-64). Martinez et al. teach executing

the transactions, as well as, tracking, tallying, storing of executed transactions and performing billing associated with the transactions (e.g. aggregated while the game is being played, on a per-user basis) (column/line 15/42-16/17; column/line 16/47-18/9; column/line 20/20-21/11; column 21, lines 58-67). Note, a transaction represents a user accessing (or purchasing) the digital object or second set of rules.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 55-57, 59-65, 67 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al., U.S. Patent No. 6,119,229 in view Heckel, U.S. Patent No. 6,036,601.

As per claims 55-57, 59-65, 67 and 68, Martinez et al. teach a transaction method and system that allows a user to obtain digital objects or second set of rules (column 8, lines 12-40) (such as those created by other users- column 8, lines 50-57, or purchased on the web- column 5, lines 59-63) via the system for use in a game (column 8, lines 45-48). Therefore, the "relevant game world"

necessarily provides for seamless integration between objects obtained outside the game or "cheating" and the game (column 4, lines 39-65; column 8, lines 45-48). Similarly, in order to utilize the obtained digital object or second set of rules in the relevant game (column 8, lines 45-48), the presence of the new object or rules necessarily is communicated the game, for example via a computer internal network. Martinez et al. also teach tracking, tallying and storing the executed transactions (column/line 15/42-16/17; column/line 16/47-18/9; column/line 20/20-21/11; column 21, lines 58-67) as well as performing transaction related billing (e.g. aggregated while the game is being played, on a per-user basis) and communicating bill amounts to a cooperating computing environment (column 6, lines 38-67; column/line 8/51-9/54; column 16, lines 12-16; column/line 19/22-20/20). Note, a transaction represents a user accessing (or purchasing) the digital object or second set of rules. However, Martinez et al. do not specifically recite advertising said objects or second set of rules during game play. Heckel teaches advertisements within a networked gaming environment (abstract; figure 1). In particular, the Heckel system teaches monitoring the progress of a game playing session (column 4, lines 20-28 and 35-58) and creating and transmitting user specific ads based on the user's personal and game playing demographic (column/line 4/35-5/40). Regarding "displaying the accounting", it would have been obvious to one of ordinary skill of advertising to advertising to display the a cost or price. Therefore, it would have been obvious to one of ordinary skill to

combine the teachings of Martinez et al. and Heckel in order to allow a seller to send user specific targeted ads promoting digital objects ('229, column 8, lines 13-48) for sale based on user gaming attributes ('601, column/line 3/44-4/10; column 4, lines 20-58).

8. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al., U.S. Patent No. 6,119,229 and Heckel, U.S. Patent No. 6,036,601 as applied to claim 57, and in further view of Archibald et al., U.S. Patent No. 5,825,883.

As per claim 58, Martinez et al. provide a system that allows users to obtain a second set of rules or digital objects (e.g. characteristics, spells, or abilities) (abstract; column 4, lines 38-64). Heckel teaches advertising in a gaming environment (figure 1). However, neither Martinez et al. nor Heckel explicitly recite communications over LAN, WAN, intranet, extranet, peer-to-peer network or internet. Archibald et al. teach a method and system of tracking computer usage of a digital object across a remote network. Archibald et al. disclose a method and system for tracking software usage by charging users on a per-use basis (figures 1-8 and 13-19). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Martinez et al., Heckel and Archibald et al. in order to allow the publishers or creators of digital objects or second set of rules to advertise their software and receive financial

compensation as there software is sold and resold to other users ('883, abstract; column 2, lines 30-48).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

c/o Technology Center 2100

Washington, D.C. 20231

or faxed to:

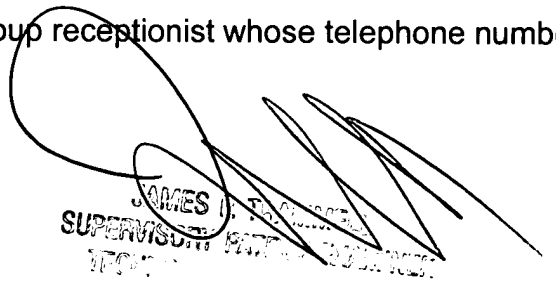
(703) 305-7687 (for formal communications intended for entry and after-final communications),

or:

(703) 746-5532 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.



Calvin Loyd Hewitt II

November 1, 2004